

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.18 OF 2003

Shri Bhausahab A. Thakre ..Petitioner.

V/s.

The State of Maharashtra & Ors. ..Respondents.

WITH

CONTEMPT PETITION NO.19 OF 2003

Smt. Sonabai S. Patil & Anr. ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents

WITH

CONTEMPT PETITION NO.20 OF 2003

Shri Atmaram Yeshwant & ors. ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents

WITH

CONTEMPT PETITION NO.21 OF 2003

Shri Maruti D. Kanase & Anr. ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents

Mr.Girish S. Godbole for petitioner.

Mr.N.P.Deshpande, AGP for respondent No.1.

**CORAM: A.M.KHANWILKAR, J
DATE : AUGUST 11, 2006.**

P.C. :

1. Heard counsel for the parties. Perused the

relevant documents on record. In my order dated July 20, 2006 I have noted that from the reply affidavit filed by the respondent it would appear that the grievance of the petitioners have already been attended to by the authorities. However, Mr. Godbole sought time to examine the position and make necessary submission after taking instructions.

2. Today when the matter is called out, according to Mr. Godbole, the only grievance of the petitioners that remains to be answered is about fixation of their wages has not been done in terms of the order passed by this Court. According to Mr. Godbole, as the petitioners were given continuity of service, the petitioners' wage ought to be fixed as would be available if they were to be in service albeit after giving effect to the deduction of stoppage of three increments.

3. In my opinion, however, after going through the relevant orders on record and the subsequent orders of the same Division Bench on 7th August, 2003, it is not possible to countenance the stand taken by the petitioners. The order passed on December 6, 2001 in clear terms provides that the State shall fix the wages of the officials as on

1/1/2001 by taking the service as continuous service while keeping in mind other directions given in the order. It is not in dispute that petitioners themselves approached this court by way of Civil Application No.1350 of 2003 seeking clarification of that order so that their wages can be fixed on the basis of such clarification to be given consistent with their stand now reiterated in this proceeding. The Division Bench of this Court on 7th August, 2003 however, disposed of the said application by observing that no clarification was necessary. The Division Bench in this order has restated the operative part of the order in question, which was passed by it in earlier point of time. It is also not in dispute that the authorities had already fixed the wages of the petitioners as per their understanding of the order dated 6th December, 2001. It is seen that specific grievance was made in the civil application filed by the petitioners before this court and answered against the Petitioners in the order dated 7th August, 2003. Nothing is brought to my notice that the arrangement as ordered by the authorities is in any way departure from the observations made in the order in question or the order dated 7th August, 2003. Thus understood, it is not a case for initiating contempt action as there is

no wilful disobedience of the order passed by the Court.

4. Counsel for the petitioners however, submits that the whole process completed by the authorities was not within the specified time in terms of the order dated 6th December, 2001. As there was delay in carrying out directions, petitioners should be suitably compensated. It is not in dispute that the process of fixing wage was completed sometime in December, 2002. No such grievance was made by the petitioners before the Division Bench, which could have considered the same in its order dated 7th August, 2003. In the circumstances, even this request of the petitioners cannot be entertained.

5. Accordingly, these petitions are disposed of and notices issued to the respondents are discharged.

6. It is clarified that dismissal of this petition will not preclude the petitioner (in C.P.18 of 2003) to ask for relief of promotion as per his entitlement. If such proceedings are filed, the same will have to be considered on its own merits in accordance with the law. This liberty is given in Contempt Petition No.18 of 2003 only.